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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,467	09/04/2001	Harold F. Hynes		3259

7590 05/09/2003
Harold F. Hynes
109 S. 5th St.
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EXAMINER

PASS, NATALIE

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/945,467	HYNES, HAROLD F.	
	Examiner	Art Unit	
	Natalie A. Pass	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/1/02, 11/05/02, 2/6/03, & 3/27/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

It appears that the applicant in this application is a *pro se* applicant (an inventor filing the application alone without the benefit of a Patent Attorney or Agent). Applicant may not be aware of the preferred methods of ensuring timely filing of responses to communications from the Office and may wish to consider using the Certificate of Mailing or the Certificate of Transmission procedures outlined below.

CERTIFICATE OF MAILING

To ensure that the Applicant's mailed response is considered timely filed, it is advisable to include a "certificate of mailing" on at least one page (preferably on the first page) of the response. This "certificate" should consist of the following statement:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on (date).

(Typed or printed name of the person signing this certificate)

(signature)

CERTIFICATE OF TRANSMISSION

Alternatively, if applicant wishes to respond by facsimile rather than by mail, another method to ensure that the Applicant's response is considered timely filed, is to include a "certificate of transmission" on at least one page (preferably on the first page) of the response. This method should be used by foreign applicants without access to the U.S. Postal Service. This "certificate" should consist of the following statement:

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703)____-____ on (date).

(Typed or printed name of the person signing this certificate)

(signature)

These "Certificates" may appear anywhere on the page, and may be handwritten or typed. They must be signed, and the date must be the actual date on which it is mailed or transmitted.

For the purpose of calculating extensions of time, the date shown on the certificate will be construed as the date on which the paper was received by the Office, regardless of the date the U.S. Postal Service actually delivers the response, or the fax is "date-stamped" in. In this way, postal or transmission delays do not affect the extension-of-time fee.

In the event that a communication is not received by the Office, applicant's submission of a copy of the previously mailed or transmitted correspondence showing the **originally** signed Certificate of Mailing or Transmission statement thereon, along with a statement from the person signing the statement which attests to the timely mailing or transmitting of the correspondence, would be sufficient evidence to entitle the applicant to the mailing or transmission date of the correspondence as listed on the Certificate of Mailing or Transmission, respectively.

NOTICE TO APPLICANT: In the case of lost or late responses the use of other "receipt producing" forms of mailing a correspondence to the Patent Office, such as Certified Mail, or a private shipper such as FedEx, **WILL NOT** result in the applicant getting the benefit of the mailing date on such receipts. These receipts are not considered to be acceptable evidence since there is nothing to "tie-in" the receipt with the particular document allegedly submitted.

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendments filed 6 February 2003 and 05 November 2002 and the communications dated 01 September 2002 and 27 March 2003. Claims 17-30 remain pending. Claims 1-16 have been canceled. Claims 17-30 are newly added in the amendment of February 6, 2003. The Specification considered is that originally filed on 4 September 2001, as no substitute specification has been provided that is in proper form for entry.

Specification

2. The amendment filed 6 February 2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. "New matter" constitutes any material which meets the following criteria:

- a) It is added to the disclosure (either the specification, the claims, or the drawings) after the filing date of the application, and
- b) It contains new information which is neither included nor implied in the original version of the disclosure. This includes the addition of physical properties, new uses, etc. The added material which is not supported by the original disclosure is as follows:

- "a template worksheet" as disclosed in claim 17, line 14

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- "exclusive rights in the user of the forms" [...] document as disclosed in claim 17, lines 22-24
- "template forms" as disclosed in claim 17, line 23
- "compatible with retained legacy systems" as disclosed in claim 17, line 28
- "the finder" as disclosed in claim 19, line 3
- "template form" as disclosed in claim 19, line 5 and in claim 29, line 2
- "'Purchase Menu", secured on the originator's monitor" and "an assigned Purchase" key" as disclosed in claim 29, lines 2-3

In particular, Applicant does not point to, nor was the Examiner able to find, any support for this newly added language within the specification as originally filed on 4 September 2001. As such, Applicant is respectfully requested to clarify the above issues and to specifically point out support for the newly added limitations in the originally filed specification and claims.

Applicant is required to cancel the new matter in the reply to this Office Action.

3. If Applicant continues to prosecute the application, revision of the specification and claims to present the application in proper form is required. While an application can, be amended to make it clearly understandable, no subject matter can be added that was not disclosed in the application as originally filed on 4 September 2001.

4. The disclosure is objected to for the same reasons given in the prior Office Action (paper number 5, section 3, page 5), and incorporated herein.

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5. The objections to the specification because of informalities and objections under 37 CFR 1.75, 37 CFR 1.75(d)(1) and MPEP § 608.01(o) as stated in paper number 5, sections 4, 5, pages 5-6, have been withdrawn due to the amendment filed 6 February 2003.

Claim Objections

6. The objection to claims 1-16 under 37 CFR 1.52(b) is now moot and has been withdrawn due to the amendment filed 6 February 2003, since these claims have been canceled.

Claim Rejections - 35 USC § 112

7. Newly added claims 17-30 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

(A) Independent claim 17 recites limitations that are new matter, as discussed above, and is therefore rejected.

(B) Claims 18-30 incorporate the features of independent claim 17, through dependency and are also rejected.

8. Newly added claims 19, 21 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

(A) Claim 19 recites the limitation "the finder" in line 3, and recites the limitation "the dots" in line 4.

(B) Claim 21 recites the limitation "the auditing functions" in line 4.

There is insufficient antecedent basis for these limitations in the claims.

(C) Claim 19 recites the limitation "which is first processed" in line 3. It is unclear to what the word "which" refers.

(D) Claim 29 recites "etc." in line 6. It is not clear what additional information is included in the list that ends with "etc." and if this additional information is required or not.

(E) Claim 29 recites "the major sources for these data being established by the purchasing department" in lines 8-9. It is not clear what percentage of the data qualifies it as from "the major sources."

9. The rejection of claims 1-16 under 35 U.S.C. 112, second paragraph, for being indefinite is now moot and hereby withdrawn due to the amendment filed 6 February 2003, since these claims have been canceled.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Newly added claims 17, 20, 24, 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiecha, U.S. Patent Number 5, 870, 717 in view of Thomson et al, U.S. Patent Number 5, 121, 945, Josephson, U.S. Patent Number 4, 974, 878, and Ivanov, U.S. Patent Number 5, 706, 452.

(C) As per newly added claim 17, Wiecha teaches an Electronic Commerce System for procuring goods/services by a number of users within an organization, from a number of vendors (Weicha; Figure 6, Figure 7, column 3, lines 54-61), comprising

a document traveling electronically between participants of the system (Weicha; column 2, lines 12-19, column 7, lines 64-65, column 8, lines 8-21, column 9, lines 46-52), and

an electronic purchaser's system to introduce each One Page document to the system of serving these purchasing functions, progressively moving the document to the participants, following each step or tracking to recognize actions completed, verifications completed, actions needed, and sending or forwarding the document to the next action

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location, and a follow up or tracking system (Weicha; column 7, lines 9-16, 40-45, column 12, lines 39-67, column 13, line 26 to column 14, line 2);

a worksheet selected by the purchase originator when securing and preparing the document, to disclose justification of the purchase, possible supporting data, and in the case of contract orders, information on contract dates, purchases to date and past performance (Weicha; Figure 7, Item 132, column 4, lines 52-54, column 6, lines 29-34, column 7, lines 9-16, column 10, lines 4-11, 23-26);

use of a plurality of terminals, work stations, servers, Intranet and Internet programs operating with "off the shelf" software systems chosen from selections current at the time of installing the One Page System, compatible with retained legacy systems, necessary to operate the One Page System (Weicha; see at least Figure 4, Figure 6, Figure 7, Abstract, column 1, line 57 to column 2, line 37).

Wiecha fails to explicitly disclose

a one page electronic purchasing document which collectively replaces individual paper and electronic purchase requisitions, purchase orders and vendors: acknowledgements, shipping notices, invoices, and statements; and successively serves their identical functions,

a purchaser's payment system activated by the operation of the One Page document, arranging payment to the vendor's bank, without individual participation within the purchaser's organization; a system that is coupled with a time schedule for each action; and

a One Page template worksheet or template forms.

Thomson teaches

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a one page electronic purchasing document or single, integrated multi-functional document, which collectively replaces individual paper and electronic purchase requisitions, purchase orders and vendors: acknowledgements, shipping notices, invoices, and statements; and successively serves their identical functions (Thomson; see at least Abstract, column 2, lines 56-67, column 4, line 63 to column 5, line 4, column 16, line 65 to column 17, line 25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Electronic Commerce System of Wiecha to include a one page electronic purchasing document or single, integrated multi-functional document, which collectively replaces individual paper and electronic purchase requisitions, purchase orders and vendors: acknowledgements, shipping notices, invoices, and statements; and successively serves their identical functions, as taught by Thomson, with the motivation of reducing the time, the labor, the documents processed, the correction procedures needed to resolve errors, and the resultant expenses of document processing, and provide the consumer and financial institution with an unquestionable high level of acceptance and widespread use as well as significant economic gains (Thomson; column 2, lines 56-67).

Josephson teaches

a purchaser's payment system activated by the operation of the One Page document, arranging payment to the vendor's bank, without individual participation within the purchaser's organization (Josephson; see at least Abstract, column 5, lines 44-56, column 6, lines 29-45, 50-58, column 7, lines 61-65, column 16, lines 10-27); and a

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system that is coupled with a time schedule for each action (Josephson; column 6, line 66 to column 7, line 5, column 16, lines 24-28)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the collective teachings of Wiecha and Thomson to include a purchaser's payment system activated by the operation of the One Page document, arranging payment to the vendor's bank, without individual participation within the purchaser's organization and a system that is coupled with a time schedule for each action, as taught by Josephson, with the motivation of eliminating the requirement for redundant, labor intensive processes, eliminating the requirement of the remittance processing function to organize, compare, handle, control and process separate documents while providing a complete audit trail and accountability at each processing level and also providing the flexibility to tailor the payment document to specific customized requirements (Josephson; Abstract, column 5, lines 35-43).

Ivanov teaches

a One Page template worksheet or template forms (Ivanov; Figure 7F, Figure 7G, column 6, lines 25-31, column 17, line 50 to column 18, line 21, column 25, lines 1-11, column 29, line 66 to column 30, line 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the collective teachings of Wiecha, Thomson, and Josephson to include a One Page template worksheet or template forms, as taught by Ivanov, with the motivation of defining the appearance, contents, and recipients of automatic notification documents or other automated documents (Ivanov ; column 17, lines 50-51).

(D) As per newly added claims 20, 24, 27-28, Wiecha, Thomson, Josephson and Ivanov teach an Electronic Commerce System as analyzed and discussed above in the claim 17 rejection wherein the vendor acknowledges the order by inserting the vendor's invoice number in the One Page document, and Emailing it back to the purchaser's System, thereby avoiding any problems of the vendor not having a compatible electronic signature system (Weicha; column 7, lines 10-16, column 9, lines 60-63, column 10, lines 38-44, 50-52, column 12, lines 48-51, column 13, lines 9-11, column 15, lines 12-23) and

wherein the vendor attaches a bar code label to the outside of the order shipped, displaying the purchase document and invoice numbers, which will be used by the receiver to identify the One Page document for verification of receipt, thereby eliminating the usual shipping document (Thomson; Figure 1a, Figure 1b, column 15, line 30 to column 16, line 10); and

wherein the vendor is permitted to put a "stop" on the preparation and processing of their documents replaced by the system, but continuing the use of the invoice number as identified with the One Page document, thereby saving substantial work and cost for the vendor (Josephson; see at least Figure 8, column 6, lines 50-58, column 12, lines 10-58); and

wherein a Purchase Worksheet provides a choice for either fixed assets or expenses applicable to larger purchases which justify the purchase, and provides information on use of items replaced, depreciation reserves, writeoffs,, other purchases required, etc., with this worksheet made an addition to the One Page document for

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internal use and fitted into a program for "other purchase actions", such as accounting and taxes, along with its use for auditing the One Page System (Wiecha; Figure 7, Item 132, column 4, lines 52-54, column 6, lines 29-34, column 7, lines 9-16, column 10, lines 4-11, 23-26).

12. Newly added claims 18-19, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiecha, U.S. Patent Number 5, 870, 717 in view of Thomson et al, U.S. Patent Number 5, 121, 945, Josephson, U.S. Patent Number 4, 974, 878, and Ivanov, U.S. Patent Number 5, 706, 452 as applied to claim 17 above, and further in view of Johnson et al, U.S. Patent Number 6, 023, 683.

(A) As per newly added claim 18, Wiecha, Thomson, Josephson and Ivanov teach an Electronic Commerce System as analyzed and discussed above in the claim 17 rejection.

Wiecha, Thomson, Josephson and Ivanov fail to explicitly disclose a system wherein a One Page document used to perform the functions of the system, is selected from a choice of three forms of purchasing, by size and type of purchase, and provides for the needs of the different participants, as prepared by the originator.

Johnson teaches a system wherein a One Page document used to perform the functions of the system, is selected from a choice of three forms of purchasing, by size and type of purchase, and provides for the needs of the different participants, as prepared by the originator (Johnson ; column 18, lines 55-67, column 15, lines 45-49)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the collective teachings of Wiecha, Thomson, Josephson

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and Ivanov to include wherein a One Page document used to perform the functions of the system, is selected from a choice of three forms of purchasing, by size and type of purchase, and provides for the needs of the different participants, as prepared by the originator, as taught by Johnson, with the motivation of providing an electronic sourcing method and system capable of creating an order list that provides a user with the capability of searching a database containing data (including product/vendor identification, and other product information) relating to items available from at least two vendors and the capability of transferring the product information (for example, a product number and a vendor identifier, such as vendor name and/or vendor number) or order list for desired items to a requisition/purchasing system for inclusion in a requisition generated by the system (Johnson; column 2, line 46 to column 3, line 2).

(B) As per newly added claims 19, 26, Wiecha, Thomson, Josephson, Ivanov and Johnson teach a system as analyzed and discussed above wherein during the progression of the One Page document through its functional steps, any changes found necessary will require the action of the originator, which is first processed, by the finder, through removing the dots or making alterations shown for the present and previous action, thereby producing a template form or requisition, "Action Change Request", to secure explanations why changes are necessary, then, to be returned back into the system, in reverse sequence, for necessary action by the order originator (Johnson; column 13, line 28 to column 14, line 11, column 15, line 60 to column 16, line 32); and

wherein a section is contained in the One Page document for the originator to enter the amounts and accounts to be charged for the items purchased, which is entered

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into the system to be held in suspense until the item is received as acknowledged, and charged to that account(s) with an accounts payable entry (Johnson; column 6, line 39 to column 7, line 12, column 7, lines 51-60).

13. Newly added claims 21-23, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiecha, U.S. Patent Number 5, 870, 717 in view of Thomson et al, U.S. Patent Number 5, 121, 945, Josephson, U.S. Patent Number 4, 974, 878, and Ivanov, U.S. Patent Number 5, 706, 452 as applied to claim 17 above, and further in view of Walker et al, U.S. Patent Number 5, 794, 207.

(A) As per newly added claim 21, Wiecha, Thomson, Josephson and Ivanov teach an Electronic Commerce System as analyzed and discussed above in the claim 17 rejection.

Wiecha, Thomson, Josephson and Ivanov fail to explicitly disclose a system wherein electronic signatures are required of purchaser's participating employees to acknowledge their actions completed and will thus be shown to ease verification of the entire One Page document through its successive steps, and to assist the auditing functions.

Walker teaches a system wherein electronic signatures are required of purchaser's participating employees to acknowledge their actions completed and will thus be shown to ease verification of the entire One Page document through its successive steps, and to assist the auditing functions (Walker; see at least Figure 10, column 8, line 56 to column 9, line 51, column 17, lines 7-9, column 19, lines 10-12, 29-53)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the collective teachings of Wiecha, Thomson, Josephson and Ivanov to include wherein electronic signatures are required of purchaser's participating employees to acknowledge their actions completed and will thus be shown to ease verification of the entire One Page document through its successive steps, and to assist the auditing functions, as taught by Walker, with the motivation of providing a system of bilateral buyer-driven electronic commerce that offers the capability for individual buyers to issue authenticatable messages which contain the terms of a purchase offer, allowing a seller who meets the terms of the purchase offer to bind the buyer to accept the seller's fulfillment of that offer and be able to collect funds immediately upon his acceptance of the buyer's terms as set forth in the purchase offer, providing a system in which the identity of the buyer is authenticated along with the integrity of the buyer's purchase offer and in which the identity of the seller is authenticated in order to determine the seller's capacity to satisfy the conditions of the purchase offer (Walker; column 7, line 9 to column 8, line 20).

(B) As per newly added claims 22-23, 25, Wiecha, Thomson, Josephson, Ivanov and Walker teach an Electronic Commerce System as analyzed and discussed above in the claim 17 rejection wherein the total amount of the One Page document, including taxes, handling charges, etc. will be established at the outset, when the document is prepared, thereby having the correct amount for authorization approval, vendor acceptance, and payment advice to the paying bank, without the usual need for a

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vendor's invoice, before arranging payment (Walker; see at least column 8, lines 41-55, column 10, line 40 to column 11, line 2, column 19, lines 29-45); and

wherein the purchaser is required to prearrange terms of payment with the vendor, which is scheduled into the system, thereby permitting the purchaser to adjust payments to fit the purchaser's cash flow needs, and without this, the vendor would have no basis for being paid (Walker; see at least column 8, lines 41-55, column 10, line 40 to column 11, line 2, column 19, lines 29-45); and

wherein a member of the purchaser's receiving department uses a hand held computer or PDA or scanner and the vendor's bar code reference, to reveal the items listed on the One Page document, clicking in the space provided to confirm receipt of each item, and when the order is completely checked, the member's electronic signature will be accepted by the system, ready for the originator's signature of acceptance, thereby using the original One Page form to avoid any mistakes in identification of the order content (Josephson; see at least column 5, line 59 to column 6, line 10, column 8, lines 60-67), (Walker; see at least column 17, lines 7-26, column 18, lines 33-37).

14. Newly added claims 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiecha, U.S. Patent Number 5, 870, 717 in view of Thomson et al, U.S. Patent Number 5, 121, 945, Josephson, U.S. Patent Number 4, 974, 878, and Ivanov, U.S. Patent Number 5, 706, 452 as applied to claim 17 above, and further in view of Barnes et al, U.S. Patent Number 5, 970, 475.

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(A) As per newly added claims 29-30, Wiecha, Thomson, Josephson and Ivanov teach an Electronic Commerce System as analyzed and discussed above in the claim 17 rejection.

Wiecha, Thomson, Josephson and Ivanov fail to explicitly disclose a system wherein the initiation of an order requires use of a template form "Purchase Menu", secured on the originator's monitor by pressing an assigned Purchase" key on the keyboard, which lists a choice of information and action links, including company purchasing policies, procedures, worksheet, order form, vendor and product sources, orders outstanding, previous orders, accounts to be charged, etc., thereby accessing the necessary information to complete the purchase worksheet when required, and the data to be inserted in the One Page form, with the major sources for these data being established by the purchasing department; and

wherein seventeen different management reports are identified to assist and control the purchasing functions at the several action points and times.

Barnes teaches a system wherein the initiation of an order requires use of a template form "Purchase Menu", secured on the originator's monitor by pressing an assigned Purchase" key on the keyboard, which lists a choice of information and action links, including company purchasing policies, procedures, worksheet, order form, vendor and product sources, orders outstanding, previous orders, accounts to be charged, etc., thereby accessing the necessary information to complete the purchase worksheet when required, and the data to be inserted in the One Page form, with the major sources for these data being established by the purchasing department (Barnes; Figure 10, Item 131f, Figure 11, Item 134, Figure 12, column 5, lines 1-4, column 22, lines 36-45); and

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wherein various different management reports are identified to assist and control the purchasing functions at the several action points and times (Barnes; Figure 13, Item 131e, Figure 20, Figure 24, Item 131e, Item 142, Item 143, Item 144, column 9, lines 4-14, 49-50, column 10, lines 4-11, column 18, lines 10-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the collective teachings of Wiecha, Thomson, Josephson and Ivanov to include wherein the initiation of an order requires use of a template form "Purchase Menu", secured on the originator's monitor by pressing an assigned Purchase key on the keyboard, which lists a choice of information and action links, including company purchasing policies, procedures, worksheet, order form, vendor and product sources, orders outstanding, previous orders, accounts to be charged, etc., thereby accessing the necessary information to complete the purchase worksheet when required, and the data to be inserted in the One Page form, with the major sources for these data being established by the purchasing department; and wherein seventeen different management reports are identified to assist and control the purchasing functions at the several action points and times, as taught by Barnes, with the motivation of providing an electronic procurement system which is easy to implement and to use, providing a method of initiating and consummating sales transactions of goods and/or services by buyers and suppliers, providing secure electronic purchasing transactions between a buyer and supplier without third-party intervention, and providing an electronic commerce procurement system which permits automated payments by the buyer organization's bank to the supplier or supplier's bank after goods/services have been ordered and delivered to the buyer. (Barnes; column 5, lines 5-42).

Response

15. Applicant's arguments with respect to cancelled claims 1-16 have not been considered as they are moot in view of the fact the claims have been canceled and the new claims have required new ground(s) of rejection.

16. Nevertheless, all of the limitations in the newly added claims submitted in the February 6, 2003 amendment, have been fully addressed by the Examiner as either being fully disclosed or obvious in view of the collective teachings of Wiecha, Thomson, Josephson, Ivanov, Johnson, Walker, and Barnes, based on the logic and sound scientific reasoning of one ordinarily skilled in the art at the time of the invention, as detailed in the remarks and explanations given in the preceding sections of the present Office Action. One cannot show nonobviousness by considering references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In addition, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In addition, the Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention

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where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In particular, Examiner notes that the limitations of Electronic Commerce System for procuring goods/services by a number of users within an organization, from a number of vendors, comprising a one page electronic purchasing document which collectively replaces individual paper and electronic purchase requisitions, purchase orders and vendors acknowledgements, shipping notices, invoices, and statements and successively serves their identical functions, traveling electronically between participants of the system, and an electronic purchaser's system to introduce each One Page document to the system of serving these purchasing functions, progressively moving the document to the participants, following each step to recognize actions completed, verifications completed, actions needed, and sending the document to the next action location, coupled with a time schedule for each action, and a follow up system; a One Page template worksheet selected by the purchase originator when securing and preparing the One Page document, to disclose justification of the purchase, possible supporting data, and in the case of contract orders, information on contract dates, purchases to date and past performance; a purchaser's payment system activated by the operation of the One Page document, arranging payment to the vendor's bank, without individual participation within the purchaser's organization, is taught by the combination of cited references.

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Furthermore, the Examiner recognizes that references cannot be arbitrarily altered or modified and that there must be some reason why one skilled in the art would be motivated to make the proposed modifications. And although the motivation or suggestion to make modifications must be articulated, it is respectfully submitted that there is no requirement that the motivation to make modifications must be expressly articulated within the references themselves. References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures, *In re Bozek*, 163 USPQ 545 (CCPA 1969).

The Examiner notes that Applicant should be aware that numerous court decisions have supported the position given above. The issue of obviousness is not determined by what the references expressly state but by what they would reasonably suggest to one of ordinary skill in the art, as supported by decisions in *In re Delisle* 406 Fed 1326, 160 USPQ 806; *In re Kell, Terry and Davies* 208 USPQ 871; and *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ 2d 1596, 1598 (Fed. Cir. 1988) (citing *In re Lalu*, 747 F.2d 703, 705, 223 USPQ 1257, 1258 (Fed. Cir. 1988)). Further, it was determined in *In re Lamberti et al* 192 USPQ 278 (CCPA) that:

- (A) obvious does not require absolute predictability;
- (B) non-preferred embodiments of prior art must also be considered; and
- (C) the question is not express teaching of references but what they would suggest.

According to *In re Jacoby*, 135 USPQ 317 (CCPA 1962), the skilled artisan is presumed to know something more about the art than only what is disclosed in the applied references. In *In re Bode*, 193 USPQ 12 (CCPA 1977), every reference relies to some extent on knowledge of persons skilled in the art to complement that which is

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disclosed therein. In *In re Conrad* 169 USPQ 170 (CCPA), obviousness is not based on express suggestion, but what references taken collectively would suggest.

In the instant case, the Examiner respectfully notes that each and every motivation to combine the applied references is accompanied by select portions of the respective reference(s) which specifically support that particular motivation. As such, it is NOT seen that the Examiner's combination of references is unsupported by the applied prior art of record. Rather, it is respectfully submitted that explanation based on the logic and scientific reasoning of one ordinarily skilled in the art at the time of the invention that support a holding of obviousness has been adequately provided by the motivations and reasons indicated by the Examiner, *Ex parte Levengood* 28 USPQ 2d 1300 (Bd. Pat. App. & Inter., 4/22/93).

As such, it is respectfully submitted that Applicant should not view the applied references separately and in a vacuum, without considering the knowledge of average skill in the art, and, in addition, should not fail to appreciate the breadth of the claim language that is presently recited.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied prior art teaches transmission, storage, and retrieval of documents in an electronic domain (5,502,576), a requisition and

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inventory management system (5,712,989) and a commercial network system designed to facilitate and support expert-based commerce (5,862,223).

The Interchange and Transport of Non-editable Electronic Documents. A Report of the Electronic Document Interchange and Distribution Committee, February 1997.

[Retrieved May 1, 2003]. Retrieved from Internet. URL:

<<http://www.state.nc.us/Adobe/irmc1.htm>>

Green, Robert. A Document Management Primer, September 1998. [Retrieved on May 1, 2003]. Retrieved from Internet. URL:

<<http://www.cadenceweb.com/1998/0998/specialreport0998.html>>

Monash University Website. Faculty of Information Technology Lead Site Report, 4 July, 2000. [Retrieved May 1, 2003]. Retrieved from Internet. URLs:

<<http://www.csse.monash.edu.au/~ajh/adt/plans/DocTechReport.html>> and

<<http://www.csse.monash.edu.au/~ajh/adt/plans/LeadSite.html>>

Northwest Missouri State University Policy and Procedures Manual. December 1, 2000. [Retrieved May 1, 2003]. Retrieved from Internet. URLs:

<http://info1.nwmissouri.edu/policies/PDF/Controller/DIR_EX_VOUCH.PDF> and

<http://info1.nwmissouri.edu/policies/PDF/Controller/RECEIVED_MERCH.PDF>

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Freestone, Ann & Wilder, C. Online Procurement Takes Off. Information Week Website. September 13, 1999. [Retrieved on May 1, 2003]. Retrieved from Internet.

URL: <<http://www.informationweek.com/752/prpro.htm>>

Industry Distribution & Financial Services Memorandum. Multi Purpose Document (MPD) Document. July 2001. [Retrieved May 1, 2003]. Retrieved from Internet. URL:

<http://www.iata.org/NR/rdonlyres/euvd3lpyrmy53q7tehxaltxsj2kf4gr6ojnvao7trhuknflmd6cvavtx5a7vl27pxa6qlgyfmoxurc/BSPCAN_586_EN.pdf>

DPO Guidelines. Procurement Services Branch, Government of Manitoba, Canada website. February 26, 1999. [Retrieved on May 1, 2003]. Retrieved from Internet.

URL: <http://www.gov.mb.ca/gs/psb/dpo_guidelines.pdf>

May, M. The Extension of the Supply Chain with SAP R/3 and the Internet. November 10, 1999. [Retrieved on May 1, 2003]. Retrieved from Internet. URL:

<<http://www.may-consult.com/publications/diplom.pdf>>

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

19. This action is a final rejection and is intended to close the prosecution of this application. Applicant's reply under 37 CFR 1.113 to this action is limited either to an appeal to the Board of Patent Appeals and Interferences or to an amendment complying with the requirements set forth below.

If applicant should desire to appeal any rejection made by the examiner, a Notice of Appeal must be filed within the period for reply identifying the rejected claim or claims appealed. The Notice of Appeal must be accompanied by the appropriate required appeal fee.

If applicant should desire to file an amendment, entry of a proposed amendment after final rejection cannot be made as a matter of right unless it merely cancels claims or complies with a formal requirement made earlier. Amendments touching the merits of the application which otherwise might not be proper may be admitted upon a showing a good and sufficient reasons why they are necessary and why they were not presented earlier.

A reply under 37 CFR 1.113 to a final rejection must include the appeal from, or cancellation of, each rejected claim. The filing of an amendment after final rejection,

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whether or not it is entered, does not stop the running of the statutory period for reply to the final rejection unless the examiner holds the claims to be in condition for allowance. Accordingly, if a Notice of Appeal has not been filed properly within the period for reply, or any extension of this period obtained under either 37 CFR 1.136(a) or (b), the application will become abandoned.

20. **Any response to this final action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

(703) 305-7687.

For formal communications, please

mark "EXPEDITED PROCEDURE".

For informal or draft communications,

please label "PROPOSED" or

"DRAFT" on the front page of the

communication and do NOT sign the
communication.

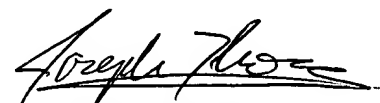
Hand-delivered responses should be
brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA, Seventh Floor
(Receptionist).

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie A. Pass whose telephone number is (703) 305-3980. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (703) 305-9588. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.


Natalie A. Pass

May 1, 2003


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600